

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MARY KAY, INC.,

Plaintiff,

v.

JENNIFER BICKEL COOK,

Defendant.

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CASE NO. 3:21-cv-02543-C

ANSWER TO COMPLAINT BY DEFENDANT JENNIFER BICKEL COOK

Defendant Jennifer Bickel Cook (“Cook” or “Defendant”) files this answer to the complaint filed by Plaintiff Mary Kay, Inc. (“Mary Kay” or “Plaintiff”) on October 15, 2021 (“Complaint”)(Dkt. 1), and would show the following:

I.

ANSWER

1. Cook denies the allegations in paragraph 1 of Mary Kay’s Complaint.
2. Cook denies the allegations in paragraph 2 of Mary Kay’s Complaint.
3. Cook denies the allegations in paragraph 3 of Mary Kay’s Complaint.
4. Cook denies the allegations in paragraph 4 of Mary Kay’s Complaint.
5. Cook denies the allegations in paragraph 5 of Mary Kay’s Complaint.
6. Cook denies the allegations in paragraph 6 of Mary Kay’s Complaint.
7. Cook denies the allegations in paragraph 7 of Mary Kay’s Complaint.
8. Cook denies the allegations in paragraph 8 of Mary Kay’s Complaint.
9. Cook admits the allegations in paragraph 9 of Mary Kay’s Complaint.
10. Cook admits the allegations in paragraph 10 of Mary Kay’s Complaint.

11. Cook admits the Court has subject matter jurisdiction over this matter but denies the remaining allegations contained in paragraph 11 of Mary Kay's Complaint.

12. Cook admits the Court has personal jurisdiction over her but denies the remaining allegations contained in paragraph 12 of Mary Kay's Complaint.

13. Cook admits venue is proper in the Northern District of Texas but denies the remaining allegations contained in paragraph 13 of Mary Kay's Complaint.

14. Cook is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 14 of Mary Kay's Complaint and therefore denies the allegations therein.

15. Cook is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 15 of Mary Kay's Complaint and therefore denies the allegations therein.

16. Cook is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 16 of Mary Kay's Complaint and therefore denies the allegations therein.

17. Cook is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 17 of Mary Kay's Complaint and therefore denies the allegations therein.

18. Cook admits holding various positions with Mary Kay from 1974 through 2017 but denies the remaining allegations contained in paragraph 18 of Mary Kay's Complaint.

19. Cook denies the allegations in paragraph 19 of Mary Kay's Complaint.

20. Cook denies the allegations in paragraph 20 of Mary Kay's Complaint.

21. Cook denies the allegations in paragraph 21 of Mary Kay's Complaint.

22. Cook admits she was planning to publish a memoir but denies the remaining allegations contained in paragraph 22 of Mary Kay's Complaint.

23. Cook denies the allegations in paragraph 23 of Mary Kay's Complaint.

24. Cook denies the allegations in paragraph 24 of Mary Kay's Complaint.

25. Cook admits being asked to provide a copy of her book but denies the remaining allegations contained in paragraph 25 of Mary Kay's Complaint.

26. Cook admits that a pdf copy of her book was provided to Mary Kay but denies the remaining allegations contained in paragraph 26 of Mary Kay's Complaint.

27. Cook admits that her book was published in October 2021 but denies the remaining allegations contained in paragraph 27 of Mary Kay's Complaint.

28. Cook denies the allegations in paragraph 28 of Mary Kay's Complaint.

29. Cook denies the allegations in paragraph 29 of Mary Kay's Complaint.

30. Cook denies the allegations in paragraph 30 of Mary Kay's Complaint.

31. Cook denies the allegations in paragraph 31 of Mary Kay's Complaint.

32. Cook denies the allegations in paragraph 32 of Mary Kay's Complaint.

33. Cook denies the allegations in paragraph 33 of Mary Kay's Complaint.

34. Cook denies the allegations in paragraph 34 of Mary Kay's Complaint.

35. Cook denies the allegations in paragraph 35 of Mary Kay's Complaint.

36. Cook denies the allegations in paragraph 36 of Mary Kay's Complaint.

37. Cook denies the allegations in paragraph 37 of Mary Kay's Complaint.

38. Cook denies the allegations in paragraph 38 of Mary Kay's Complaint.

39. Cook denies the allegations in paragraph 39 of Mary Kay's Complaint.

40. Cook is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 40 of Mary Kay's Complaint and therefore denies the allegations therein.

41. Cook denies the allegations in paragraph 41 of Mary Kay's Complaint.

42. Cook denies the allegations in paragraph 42 of Mary Kay's Complaint.

43. Cook denies the allegations in paragraph 43 of Mary Kay's Complaint.

44. Cook denies the allegations in paragraph 44 of Mary Kay's Complaint.

45. Cook denies the allegations in paragraph 45 of Mary Kay's Complaint.

46. No response is required to paragraph 46 of Mary Kay's Complaint.

47. Cook is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 47 of Mary Kay's Complaint and therefore denies the allegations therein.

48. Cook denies the allegations in paragraph 48 of Mary Kay's Complaint.

49. Cook denies the allegations in paragraph 49 of Mary Kay's Complaint.

50. Cook denies the allegations in paragraph 50 of Mary Kay's Complaint.

51. Cook denies the allegations in paragraph 51 of Mary Kay's Complaint.

52. Cook denies the allegations in paragraph 52 of Mary Kay's Complaint.

53. Cook denies the allegations in paragraph 53 of Mary Kay's Complaint.

54. Cook denies the allegations in paragraph 54 of Mary Kay's Complaint.

55. Cook denies the allegations in paragraph 55 of Mary Kay's Complaint.

56. No response is required to paragraph 56 of Mary Kay's Complaint.

57. Cook denies the allegations in paragraph 57 of Mary Kay's Complaint.

58. Cook denies the allegations in paragraph 58 of Mary Kay's Complaint.

- 59. Cook denies the allegations in paragraph 59 of Mary Kay's Complaint.
- 60. Cook denies the allegations in paragraph 60 of Mary Kay's Complaint.
- 61. Cook denies the allegations in paragraph 61 of Mary Kay's Complaint.
- 62. Cook denies the allegations in paragraph 62 of Mary Kay's Complaint.
- 63. No response is required to paragraph 63 of Mary Kay's Complaint.
- 64. Cook denies the allegations in paragraph 64 of Mary Kay's Complaint.
- 65. Cook denies the allegations in paragraph 65 of Mary Kay's Complaint.
- 66. Cook denies the allegations in paragraph 66 of Mary Kay's Complaint.
- 67. Cook denies the allegations in paragraph 67 of Mary Kay's Complaint.
- 68. Cook denies the allegations in paragraph 68 of Mary Kay's Complaint.
- 69. No response is required to paragraph 69 of Mary Kay's Complaint.
- 70. Cook denies the allegations in paragraph 70 of Mary Kay's Complaint.
- 71. Cook denies the allegations in paragraph 71 of Mary Kay's Complaint.
- 72. Cook denies the allegations in paragraph 72 of Mary Kay's Complaint.
- 73. Cook denies the allegations in paragraph 73 of Mary Kay's Complaint.
- 74. Cook denies the allegations in paragraph 74 of Mary Kay's Complaint.
- 75. No response is required to paragraph 75 of Mary Kay's Complaint.
- 76. Cook denies the allegations in paragraph 76 of Mary Kay's Complaint.
- 77. Cook denies the allegations in paragraph 77 of Mary Kay's Complaint.
- 78. Cook denies the allegations in paragraph 78 of Mary Kay's Complaint.
- 79. Cook denies the allegations in paragraph 79 of Mary Kay's Complaint.
- 80. Cook denies the allegations in paragraph 80 of Mary Kay's Complaint.
- 81. Cook denies the allegations in paragraph 81 of Mary Kay's Complaint.

82. Cook denies the allegations in paragraph 82 of Mary Kay's Complaint.
83. No response is required to paragraph 83 of Mary Kay's Complaint.
84. Cook denies the allegations in paragraph 84 of Mary Kay's Complaint.
85. Cook denies the allegations in paragraph 85 of Mary Kay's Complaint.
86. Cook denies the allegations in paragraph 86 of Mary Kay's Complaint.
87. Cook denies the allegations in paragraph 87 of Mary Kay's Complaint.
88. Cook denies the allegations in paragraph 88 of Mary Kay's Complaint.
89. Cook denies the allegations in paragraph 89 of Mary Kay's Complaint.
90. Cook denies the allegations in paragraph 90 of Mary Kay's Complaint.
91. Cook denies the allegations in paragraph 91 of Mary Kay's Complaint.
92. Cook denies the allegations in paragraph 92 of Mary Kay's Complaint.
93. No response is required to paragraph 93 of Mary Kay's Complaint.
94. Cook denies that Mary Kay is entitled to any relief requested in its prayer for relief.

II.

AFFIRMATIVE DEFENSES

Cook, still urging and relying on the matters alleged above, further alleges the following affirmative defenses.

First Affirmative Defense

Mary Kay's claims are barred in whole or in part by Art. I, Sec. 8 of the Texas Constitution and the First Amendment to the United States Constitution.

Second Affirmative Defense

Mary Kay's claims are barred in whole or in part by fair use.

Third Affirmative Defense

Mary Kay's claims are barred in whole or in part by failure to mitigate damages.

Fourth Affirmative Defense

Mary Kay's claims are barred in whole or in part by waiver, laches, and/or estoppel.

Fifth Affirmative Defense

Mary Kay's claims are barred in whole or in part by failure to satisfy all conditions precedent.

Sixth Affirmative Defense

Mary Kay's claims are barred in whole or in part by failure to state a claim upon which relief can be granted.

III.

PRAYER

Based upon the foregoing, Defendant Jennifer Bickel Cook requests that Plaintiff Mary Kay, Inc. takes nothing by way of its Complaint, and that Defendant be awarded her attorney's fees, costs and such other and further relief, at law and in equity, to which she may be justly entitled.

Respectfully submitted,

By: /s/ Eric C. Wood
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ATTORNEYS FOR DEFENDANT
JENNIFER BICKEL COOK

CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(d)(1)(B), as amended, no certificate of service is necessary because this document is being filed with the Court's electronic-filing system on December 21, 2021.

/s/ Eric C. Wood
Eric C. Wood